

HOUSE BILL 1016

P4

0lr1326
CF SB 801

By: **Delegates Jones and DeBoy**

Introduced and read first time: February 15, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Public School Employees – Collective Bargaining and**
3 **Representation Fees**

4 FOR the purpose of requiring the Board of Education of Baltimore County to negotiate
5 certain fees with certain employee organizations representing certain
6 certificated and noncertificated employees to be charged to certain nonmembers
7 for certain representation; providing for the application of a certain provision of
8 this Act; and generally relating to collective bargaining and representation fees
9 for certain certificated and noncertificated school personnel in Baltimore
10 County.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 6–504
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Education**

19 6–504.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) A public school employee may refuse to join or participate in the activities
2 of employee organizations.

3 (b) (1) In Montgomery County, Allegany County, Charles County, and
4 Howard County, the county board, with respect to noncertificated employees, shall
5 negotiate a structure of reasonable service fees to be charged nonmembers for
6 representation in negotiations and grievance matters by employee organizations.

7 (2) In Charles County, the provisions of this subsection shall apply
8 only to employees hired on or after July 1, 2005.

9 (c) In Prince George's County, the county board shall negotiate an
10 organizational security provision, commonly known as "agency shop", with employee
11 organizations.

12 (d) (1) **THIS SUBSECTION APPLIES ONLY TO ANNE ARUNDEL**
13 **COUNTY.**

14 (2) **[In Anne Arundel County and Baltimore County, the] THE** county
15 board, with respect to noncertificated employees, may negotiate a structure of
16 reasonable service fees to be charged nonmembers for representation in negotiations
17 and grievance matters by employee organizations.

18 **[(2)] (3) [In Anne Arundel County, if] IF** the county board negotiates
19 a structure of fees as authorized under this subsection:

20 (i) Each party shall:

21 1. Confer in good faith, at all reasonable times; and

22 2. Reduce to writing the matters agreed on as a result of
23 the negotiations; and

24 (ii) Neither party is required to agree to any proposal or to make
25 any concession.

26 (e) (1) **THIS SUBSECTION APPLIES ONLY TO BALTIMORE COUNTY.**

27 (2) **THE COUNTY BOARD, WITH RESPECT TO NONCERTIFICATED**
28 **EMPLOYEES, MAY NEGOTIATE A STRUCTURE OF REASONABLE SERVICE FEES TO**
29 **BE CHARGED NONMEMBERS FOR REPRESENTATION IN NEGOTIATIONS AND**
30 **GRIEVANCE MATTERS BY EMPLOYEE ORGANIZATIONS.**

31 (3) **(1) THIS PARAGRAPH APPLIES ONLY TO EMPLOYEES WHO**
32 **ARE HIRED OR PROMOTED INTO THE UNIT ON OR AFTER JULY 1, 2010.**

1 **(II) THE COUNTY BOARD, WITH RESPECT TO ANY UNIT THAT**
2 **REPRESENTS BOTH CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AS**
3 **DEFINED UNDER § 6-404(C)(2) OF THIS TITLE, SHALL NEGOTIATE A**
4 **REASONABLE SERVICE FEE TO BE CHARGED NONMEMBERS FOR**
5 **REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, GRIEVANCE**
6 **MATTERS, AND ALL OTHER ACTIVITIES REQUIRED UNDER § 6-509 OF THIS**
7 **SUBTITLE.**

8 **[(3)] (4)** (i) The provisions of this paragraph apply if an agency or
9 representation fee is negotiated in **[Baltimore County] THE COUNTY.**

10 (ii) 1. Subject to the provisions of subparagraph 2 of this
11 subparagraph, the employee organization designated as the exclusive representative
12 for the public school employees shall indemnify and hold harmless the **[Board of**
13 **Education of Baltimore County] COUNTY BOARD** against any and all claims,
14 demands, suits, or any other forms of liability that may arise out of, or by reason of,
15 action taken by the board for the purpose of complying with any of the agency or
16 representation fee provisions of the negotiated agreement.

17 2. The board shall retain without charge to the board the
18 services of counsel that are designated by the exclusive representative with regard to
19 any claim, demand, suit, or any other liability that may arise out of, or by reason of,
20 action taken by the board for the purpose of complying with any of the agency or
21 representation fee provisions of the negotiated agreement.

22 (iii) The employee organization designated as the exclusive
23 representative shall submit to the board an annual audit from an external auditor
24 that reflects the operational expenses of the employee organization and explains how
25 the representation fee is calculated based on the audit.

26 (iv) 1. The agency or representation fee shall be based only
27 on the expenses incurred by the employee organization in its representation in
28 negotiations, contract administration, including the handling of grievances, and other
29 activities as required under § 6-509 of this subtitle; and

30 2. Any political activities of the employee organization
31 designated as the exclusive representative may not be financed by the funds collected
32 from the agency or representation fee.

33 **[(e)] (F)** In Baltimore City, the public school employer shall negotiate with
34 the employee organization designated as the exclusive representative for the public
35 school employees in a unit, a reasonable service or representation fee to be charged to
36 nonmembers for representing them in negotiations in the same manner that any such
37 fee was permitted under law and bargained for prior to January 1, 1997.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.